

BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: November 17, 2004

Division: Growth Management

Bulk Item: Yes X No

Department: Planning

AGENDA ITEM WORDING: Approval for one Restrictive Covenant from Marine Resources Development Foundation , for floor area intensity reduction on a property described as Block 11, Lots 3, 4, 5, 6 , Twin Lakes, and having the Parcel Identification Numbers of 00549430.000000, 00549440.000000, 00549450.000000, and 00549460.000000.

ITEM BACKGROUND: On September 8, 2004, the Planning Commission conducted a public hearing to review, discuss, and make formal motions regarding Year 12 second annual allocation and the Non-Residential Floor Area Ranking Report; and P46-04 approved a floor area allocation of 2,448 square feet for Permit 04300834 for Marine Resources Development Foundation.

PREVIOUS RELEVANT BOARD ACTION: On July 18, 2001, the BOCC adopted Ordinance No. 032-2001, the NROGO Ordinance. The Board of County Commissioners approved floor area allocation for NROGO Year 12 at their meeting on November 19, 2003. On March 18, 2004, during a regular public meeting, the Board of County Commissioners, passed and adopted by Resolution an amendment to the Year 12 annual allocation that increased the available floor area to 16,000 square feet all of which is to be made available for applicants in a single allocation in January, 2004. The remainder of the floor area would be allocated in the Year 12 July allocation.

CONTRACT/AGREEMENT CHANGES: N/A.

STAFF RECOMMENDATION: Approval.

TOTAL COST: X

BUDGETED: Yes N/A No

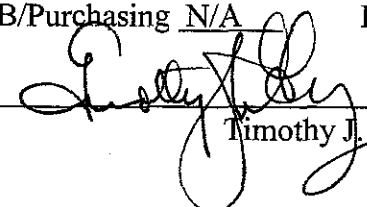
COST TO COUNTY: N/A

SOURCE OF FUNDS: N/A

REVENUE PRODUCING: Yes N/A No **AMOUNT PER MONTH** N/A **Year**

APPROVED BY: County Atty X OMB/Purchasing N/A Risk Management N/A

DIVISION DIRECTOR APPROVAL:



Timothy J. McGarry, AICP

DOCUMENTATION: Included X To Follow Not Required

DISPOSITION:

AGENDA ITEM # K-7

M E M O R A N D U M

TO: Danny Kolhage, Clerk of the Court
FROM: Timothy J. McGarry, Growth Management Director 
DATE: October 28, 2004
RE: Clarification of Agenda Item

Restrictive Covenant

Permit Number	Name on Agenda Item	Name on Restrictive Covenant	Legal Description
04300834	Marine Resources Development Foundation	Marine Resources Development Foundation	Twin Lakes, Block 11, Lots 3, 4, 5 & 6

This instrument prepared by: **MARINE RESOURCES DEVELOPMENT FOUNDATION**
51 Shoreland Drive
Key Largo, FL 33037

**INTENSITY REDUCTION RESTRICTIVE COVENANT
NON-RESIDENTIAL**

1. **WHEREAS** Marine Resources Development Foundation the undersigned is the sole owner of the following described real property located in Monroe County, Florida, described as follows:

Lot(s): # 3,4,5,& 6 Block: 11

Subdivision: Twin Lakes

Key: Largo PB 3

Real Estates Number(s):00549430-000000, 00549440-000000, 00549450-000000, 00549460-000000; and

2. **WHEREAS**, an application for building permit #04300834 for the construction of a commercial building on the above described parcel has been submitted to the Monroe County Building Department; and
3. **WHEREAS**, Suburban Commercial (SC) Land Use District allows the construction of office space/storage; and
4. **NOW, THEREFORE**, the undersigned agree as follows:
- The above described non-residential structure is permitted as a commercial building, and upon completion of the structure and final approved inspections will receive a Certificate of Occupancy for a commercial office building; and
 - The floor area ratio of the property will be limited to a maximum of twenty-three percent (23%) for a period of ten (10) years; and

- That the proposed structure has a Floor Area Ratio of 12.2 percent. The proposed structure is 2,448 square feet on a 20,000 square foot parcel; and
- The restrictions herein shall be binding upon the representatives, heirs, assigns and successors in title of the undersigned; it being the intention of the undersigned by execution and recording of this document that his restriction shall run with the land and shall be forever binding upon the successors in title; and
- This covenant is intended to benefit and run in favor of the County of Monroe; and

In the event of any breach or violation of the covenant contained herein, the said County may enforce the covenant by injunction or such other legal method, as the County deems appropriate.

EXECUTED ON THIS 11th day of October, 2004

WITNESSES

[Signature]
(Signature)

JOANN SMENDA
(Print/Type Name)

[Signature]
(Signature)

JOANN SMENDA
(Print/Type Name)

OWNER OR OWNERS

[Signature]
(Signature)

Bob Russell Vice President
(Print/Type Name)

[Signature]
(Signature)

IAN KOBlick
(Print/Type Name)

MONROE COUNTY ATTORNEY
APPROVED AS TO FORM
Date: 10.29.04

Sworn before me this 11th day of October, 2004, A.D.



Linda S. Makepeace
Commission # DD288273
Expires: Feb. 08, 2008
Aaron Notary 1-800-350-5161

Linda S. Makepeace
Notary Public (Print Name)

[Signature]
Notary Public (Signature)

My Commission Expires: 2/8/08